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May 12, 2010

VIA FACSIMILE AND ECF

Hon. Claire C. Cecchi, U.S.M.J.
United States District Court
M.L. King Jr. Federal Building
50 Walnut Street
Newark, NJ 07102

Re: Taro Pharmaceuticals North America, Inc., et al. v. Synerx Pharma, LLC, et al.
Civil Action No. 09-3569 (JLL) (CCC)

Dear Judge Cecchi:

We, along with Schiff Hardin LLP, represent Defendants Synerx Pharma, LLC; Karalex Pharma, LLC; and DPT Laboratories, Ltd. in the above-captioned litigation. We write regarding the Joint Discovery Plan submitted on April 28, 2010.


Because the discovery dates suggested by both parties have passed since the discovery plan was submitted to the Court, defendants are submitting an adjusted scheduling proposal. As noted in our letter, it is of the utmost importance to defendants that a discovery plan be entered so that progress can be made in this case; as the Court may recall, initial disclosures have not been exchanged and general discovery has not started, despite the fact that this litigation was commenced 10 months ago.

We respectfully and urgently request that the Court enter a discovery plan promptly. We are available for a conference by telephone or in person to discuss the schedule and address any questions the Court may have about the status of the case.

Hon. Claire C. Cecchi, U.S.M.J.
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Thank you for your consideration of this matter.

Respectfully submitted,



Karen A. Confoy

KC:jkf

cc: Counsel of record (w/enc., via email)

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**TARO PHARMACEUTICAL NORTH
AMERICA, INC. and TARO
PHARMACEUTICALS U.S.A., INC.,**

Plaintiffs,

v.

**SYNERX PHARMA, LLC, KARALEX
PHARMA, LLC and DPT
LABORATORIES, LTD.,**

Defendants.

Civil Action No. 09-cv-3569 (JLL) (CCC)

**DEFENDANTS' AMENDED
PROPOSED SCHEDULE**

Task	Defendants' Proposed Dates
Parties to exchange Initial Disclosures	May 17, 2010
Plaintiffs to serve Disclosure of Asserted Claims and Infringement Contentions and produce accompanying documents pursuant to LPR 3.1 and 3.2	May 19, 2010
Plaintiff to produce New Drug Application (including any amendments and supplements) to Defendants' counsel and Synerx to produce Abbreviated New Drug Application (including any amendments and supplements) to Plaintiffs' counsel	May 21, 2010
Parties to present a consent Discovery Confidentiality Order, in accordance with LPR 2.2	May 26, 2010
Parties to serve document requests for which responses must be substantially complete by September 3, 2010	June 2, 2010

Task	Defendants' Proposed Dates
Synerx and DPT to serve Invalidity Contentions and accompanying documents pursuant to LPR 3.3 and 3.4	July 2, 2010
Parties to exchange proposed terms for claim construction pursuant to LPR 4.1(a)	July 9, 2010
Parties to meet and confer to narrow claim construction issues pursuant to LPR 4.1(b)	July 16, 2010
Parties to exchange preliminary proposed claim constructions and supporting evidence pursuant to LPR 4.2(a) and 4.2(b)	July 30, 2010
Parties to meet and confer to narrow claim construction issues and finalize preparation of a Joint Claim Construction and Prehearing Statement pursuant to LPR 4.2(c)	August 6, 2010
Parties to complete and file a Joint Claim Construction and Prehearing Statement and accompanying documentation pursuant to LPR 4.3	August 27, 2010
Parties to complete document production in response to document requests served by June 2, 2010	September 3, 2010
Parties to complete all discovery relating to claim construction, including any depositions with respect to claim construction of any witnesses, other than experts, identified in the Preliminary Claim Construction and Prehearing Statement, in accordance with LPR 4.4	September 24, 2010
Parties to serve a log of privileged and/or redacted documents	October 1, 2010

Task	Defendants' Proposed Dates
Parties to contemporaneously exchange and serve their opening Markman briefs and any evidence supporting claim construction, including experts' declarations or certifications, in accordance with LPR 4.5(a)	October 8, 2010
Parties to complete any discovery from an expert witness who submitted a certification or declaration in relation to claim construction, in accordance with LPR 4.5(b)	October 29, 2010
Parties to contemporaneously exchange and serve responding Markman briefs and any evidence supporting claim construction, including any responding experts' declarations or certifications, in accordance with LPR 4.5(c)	November 19, 2010
Parties to meet and confer in accordance with LPR 4.6 to propose to the Court a schedule for a Claim Construction Hearing, to the extent the parties believe a hearing is necessary for construction of the claims at issue	November 24, 2010
Each party relying on advice of counsel as part of a patent-related claim or defense for any reason to make disclosures required by LPR 3.8	Not later than 30 days after entry of the claim construction order
Deadline for parties to amend Infringement Contentions and Invalidity Contentions as of right, with any further amendments made solely pursuant to LPR 3.7	30 days after entry of the claim construction order * This proposal deviates from the Local Patent Rules to allow modification of contentions in response to the narrowing of issues during claim construction proceedings.

Task	Defendants' Proposed Dates
Parties to file and serve any motion to amend pleadings or join parties	December 22, 2010
Parties to complete all additional fact discovery	January 21, 2011
Parties to serve initial expert reports on behalf of the party bearing the burden of proof on the issue	February 18, 2011
Parties to serve rebuttal expert reports	April 22, 2011
Parties to serve reply expert reports	May 20, 2011
Parties to complete all expert discovery	June 24, 2011
Parties to file dispositive motions	To be filed no later than July 22, 2011

Date: May 12, 2010

/s/ Karen A. Confoy

Attorneys for Defendants Synerx Pharma, LLC; Karalex Pharma, LLC; and DPT Laboratories, Ltd.

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